

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

FILED
CHARLOTTE, NC

AUG 28 2009

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES OF AMERICA
FOR AUTHORIZATION TO OBTAIN LOCATION
DATA CONCERNING CELLULAR TELEPHONE
704-361-9899, UFM1 151*141*1510 (SUBJECT
TELEPHONE #1) AND 210-237-5478, UFM1
143*216*1491(SUBJECT TELEPHONE #2)

Misc. No. 3:09 MJ 202

ORDER
UNDER SEAL

Application having been made by the United States for an Order pursuant to Federal Rule of Criminal Procedure 41 directing SPRINT/NEXTEL COMMUNICATIONS to assist agents of the Drug Enforcement Administration by providing all information, facilities and technical assistance needed to ascertain the physical location of the cellular telephone assigned call number 704-361-9899, UFM1 151*141*1510, subscribed to Mike King, P.O. Box 54988, Irvine, California 92619 (SUBJECT TELEPHONE#1)) and 210-237-5478, UFM1 143*216*1491, subscribed IVR, P.O. Box 54988, Irvine, California 92619 (hereinafter the SUBJECT TELEPHONE #2) with service provided by SPINT/NEXTEL COMMUNICATIONS, including but not limited to data indicating the specific latitude and longitude of (or other precise location information concerning) the SUBJECT TELEPHONE (s) (the "Requested Information"), for a period of sixty (60) days.

The Court finds that there is probable cause to believe that the Requested Information will lead to evidence of violations of Title 21, United States Code, Sections 841(a)(1) and 846, among other offenses, as well as to the identification of individuals who are engaged in the commission of these offenses.

IT IS HEREBY ORDERED pursuant to Federal Rule of Criminal Procedure 41 that SPRINT/NEXTEL COMMUNICATIONS, beginning at any time within ten (10) days of the date of this Order and for a period not to exceed 60 days from the date that the Requested Information is first transmitted to the Drug Enforcement Administration, provide to agents of the Drug Enforcement Administration the Requested Information concerning the SUBJECT TELEPHONES, with said authority to extend to any time of the day or night as required, including when the SUBJECT TELEPHONES leave the Western District of North Carolina; all of said authority being expressly limited to ascertaining the physical location of the SUBJECT TELEPHONES and expressly excluding the contents of any communications conducted by the user(s) of the SUBJECT TELEPHONES.

It is further ORDERED that the Drug Enforcement Administration compensate SPRINT/NEXTEL COMMUNICATIONS for reasonable expenses incurred in complying with any such request.

It is further ORDERED that agents of the Drug Enforcement Administration and other law enforcement officers and persons authorized to provide them with necessary and technical assistance are authorized to acquire the Requested Information concerning the location of the SUBJECT TELEPHONES for a period of sixty (60) days from the date that the Requested Information is first transmitted to the Drug Enforcement Administration or until the goals of the investigation have been achieved.

It is further ORDERED that the Court's Order and the accompanying Affirmation submitted in support thereof, as they reveal an ongoing investigation, be sealed until further Order of the Court in order to avoid premature disclosure of the investigation, guard against fugitives, and better ensure the safety of agents and others, except that copies of the Court's

Order in full or redacted form may be maintained by the United States Attorney's Office, and may be served on Special Agents and other investigative and law enforcement officers of the Drug Enforcement Administration, federally deputized state and local law enforcement officers, and other government and contract personnel acting under the supervision of such investigative or law enforcement officers, and SPRINT/NEXTEL COMMUNICATIONS as necessary to effectuate the Court's Order.

It is further ORDERED that this warrant be returned to the issuing judicial officer within 10 days after the termination of the execution of the warrant.

It is further ORDERED that, pursuant to 18 U.S.C. 3103a (b) and Federal Rule of Criminal Procedure 41(f)(3), service of notice may be delayed for a period of thirty (30) after the termination of the execution of the warrant.

It is further ORDERED that SPRINT/NEXTEL COMMUNICATIONS, its affiliates, officers, employees, and agents not disclose the Court's Order or the underlying investigation, until notice is given as provided above.

Dated: 28th day of Aug 2009

Time: 4:30 PM



DAVID C. KEESLER
UNITED STATES MAGISTRATE JUDGE
WESTERN DISTRICT OF NORTH CAROLINA